8205844/2023/VIG-II-AGC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Agricultural Marketing Department – Departmental Proceedings initiated against Sri P. Gopi, the then Assistant Executive Engineer(AM), Vijayawada on the allegation of irregularities in execution of work of "Construction of 5000 MT Godown No.1 in Market Yard at Tiruvuru of A.M.C." – Inquiry conducted – Penalty of withholding of one annual grade increment with cumulative effect besides recovery of Rs.7,27,630/- towards loss caused to the AMC imposed – Review Petition filed – Review Petition allowed - Set aside the penalty and recovery of loss – Orders – Issued.

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AGRICULTURE & CO-OPERATION(VIG.II) DEPARTMENT

G.O.Rt.No.838 **Dated:28.11.2023**

Read the following:-

1. G.O.Rt.No.9, Agri.&Coop.(Vig.II) Dept, dated:16.01.2017.
2. Inquiry Report of the Commissioner of Inquiries-JS, dated:18.03.2020.
3. G.O.Rt.No.430, Agri.& Coop.(Vig.II) Dept., dated:13.07.2021.
4. From Sri P.Gopi, the then Asst. Executive Engineer(AM), Vijayawada & Asst.Executive Engineer, Zone-II of P.R.Dept., O/o DEE, P.R. PIU Sub-Division, Machilipatnam.
5. From the C&DoAM, AP, e-file No.AGC01-MKTG/275/2022-VIG-II (Computer No.1891288), dated:18.10.2023.

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O R D E R:

In a disciplinary case, on the allegation of irregularities in execution of work of "Construction of 5000 MT Godown No.1 in Market Yard at Tiruvuru", the Government had initiated departmental proceedings by framing article of charge against Sri P. Gopi, the then Assistant Executive Engineer(AM), O/o Deputy Executive Engineer(AM), Vijayawada vide G.O.1st read above.

2. After conducting regular inquiry, the Inquiring Authority/ Commissioner of Inquiries-JS has furnished the inquiry report on 18.03.2020 stating that, the charge framed against the Charged Officer Sri P. Gopi, the then Assistant Executive Engineer(AM), O/o Deputy Executive Engineer(AM), Vijayawada is held proved.

3. After following the due procedure, the Government have imposed a penalty of "withholding of one (1) annual grade increment with cumulative effect besides recovery of Rs.7,27,630/-(Rupees Seven lakh Twenty Seven thousand Six hundred and Thirty only) towards his share for causing financial loss to the Government" against Sri P. Gopi, Assistant Executive Engineer(AM), Vijayawada vide G.O.3rd read above, in the above said disciplinary case

4. Aggrieved by the above, Sri P.Gopi, the then Assistant Executive Engineer(AM), Vijayawada & Assistant Executive Engineer, Zone-II of Panchayat Raj Department, O/o Deputy Executive Engineer, P.R. PIU Sub-Division, Machilipatnam has filed Review Petition dated:30.09.2022 before the Government stating that, the revised estimate was technically approved by the Superintending Engineer(AM), Hyderabad. The Extension of Time was obtained from the competent authority and the final bill was paid within time. Thus, the procedural defects are regularized without audit

(P.T.O.)

problem in future. The deviations in work are executed with the prior concurrence and final approval of the competent authority but it appears the inquiry authority has not recognized the power and competency of the technical authority in administrative and technical matters pertaining to the work. Therefore, he has requested the Government to consider his Review Petition and set aside the penalty of "Withholding of one (1) annual grade increment with cumulative effect besides recovery of Rs.7,27,630/- imposed on him vide G.O.3rd read above duly condoning the delay.

5. In the reference 5th read above, the Commissioner & Director of Agricultural Marketing, AP, Guntur has offered his specific remarks on the above said Review Petition stating that, all irregularities found the charges were regularized during the course of completion of the entire work. Extension of Time was granted upto 28.02.2013 duly waiving off penalty Rs.20,000/- imposed by Executive Engineer(AM), Vijayawada, since the Contractor has completed the work as per the agreement value and price escalation was also paid as per the sanctioned revised working estimate by the competent authority.

6. After thorough examination of the entire matter, Government have observed that the procedural irregularities and other deviations pointed out in the report of Lokayukta based on which charges were framed and disciplinary action initiated was approved and regularized by the competent authority during the course of work completion. Further, as reported by the Commissioner & Director of Agricultural Marketing, A.P, all the payments were made as per the approval accorded by the competent authority and the agreement. The Revised Estimate for the said work was also approved as per the specific remarks furnished by the Commissioner & Director of Agricultural Marketing, A.P. Hence, there is no monetary loss to the AMC / Government. Under these circumstances, Government have decided to allow the Review Petition filed by the individual and accordingly, set aside the penalty of "withholding of one (1) annual grade increment with cumulative effect besides recovery of an amount of Rs.7,27,630/- imposed on against Sri P. Gopi, the then Assistant Executive Engineer(AM), Vijayawada, in the G.O.3rd read above.

7. The Commissioner & Director of Agriculture Marketing, A.P., Guntur shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHIRANJIV CHOUDHARY, IFS,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P. Gopi, the then Assistant Executive Engineer(AM), Vijayawada &
Assistant Executive Engineer, Zone-II of Panchayat Raj Department,
O/o: Deputy Executive Engineer, P.R. PIU Sub-Division, Machilipatnam.
(Through : The Commissioner & Director of Agricultural Marketing,
A.P., Guntur)

Copy to:-
The Commissioner & Director of Agricultural Marketing, A.P., Guntur.
SF/SC.

// FORWARDED::BY ORDER //

SECTION OFFICER